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May 31, 2023

VIA ECF

Honorable Tonianne J. Bongiovanni
United States District Court, District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
Room 6052 – 402 E. State Street
Trenton, NJ 08608

**RE: 1985 Rutgers Solar, LLC v. Changzhou Trina Solar Energy Co., Ltd.
and
Trina Solar (U.S.), Inc.
Case No.: 3:22-cv-06689-RK-TJB**

Dear Judge Bongiovanni:

Counsel for Defendants submits this letter in response to the Court's March 14, 2023 order requiring a status update on this litigation and the letter of Plaintiff's counsel dated May 31, 2023 (ECF No. 16) ("Plaintiff's Letter"). Defendants do not disagree with Plaintiff's characterization of the status of the parties' settlement efforts. Defendants believe that these efforts are more likely to be successful if the parties continue to focus their resources on resolution. Therefore, Defendants request that the Court not impose a discovery order in this case and instead maintain the current status quo through and including June 30, 2023.

Plaintiff is in receipt of a settlement proposal from Defendants and Plaintiff's counsel has indicated additional steps that Plaintiff wishes to take in order to evaluate the proposal. Plaintiff's counsel has not affirmatively asked Defendants' counsel to take any additional steps to assist in Plaintiff's evaluation. As such, Plaintiff alone controls whether any steps toward settling this action are to occur, and Defendants are prepared to evaluate and respond to any questions or counter-proposals that Plaintiff may have. Issuance of a discovery order at this stage would only complicate and distract from these ongoing settlement discussions and require the parties and the Court to expend resources that may ultimately be rendered moot by a settlement. As such, Defendants respectfully request that the Court decline Plaintiff's invitation to issue a discovery order and instead maintain the status quo in this action for an additional month in order to facilitate ongoing settlement discussions.

Thank you for your attention to this matter. I am available at Your Honor's convenience should you wish to discuss.

Regards,

A handwritten signature in blue ink, appearing to read 'Rt X' followed by a stylized flourish.

Ruofei Xiang

Mazzola Lindstrom LLP

Attorneys for Defendants

cc: Counsel of record via ECF and email